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EXTRAORDINARY  
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MINISTRY OF LAW  
(Legislative Department)

New Delhi, the 5th November, 1964/Kartika 14, 1886 (Saka)

THE ESSENTIAL COMMODITIES (AMENDMENT)  
ORDINANCE, 1964

No. 3 OF 1964

Promulgated by the President in the Fifteenth Year of the  
Republic of India.

An Ordinance further to amend the Essential Commodities  
Act, 1955, and the Criminal Law Amendment Act, 1952.

WHEREAS Parliament is not in session and the President is satisfied  
that circumstances exist which render it necessary for him to take  
immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1)  
of article 123 of the Constitution, the President is pleased to  
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Commodities  
(Amendment) Ordinance, 1964.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance,—

10 of 1955.

(1) the Essential Commodities Act, 1955, shall have effect  
as if after section 12, the following section had been inserted,  
namely:—

Act 10 of  
1955 and  
Act 46 of  
1952 to be  
temporarily  
amended.

5 of 1898.

“12A. (1) Notwithstanding anything contained in sub-  
section (1) of section 260 of the Code of Criminal Procedure,  
1898, any magistrate of the first class specially empowered  
in this behalf by the State Government or any presidency  
magistrate shall try in a summary way all offences relating

Power to try  
summarily.

to the contravention of any such order made under section 3 as the Central Government may by notified order specify in this behalf, and the provisions of Chapter XXII of the said Code shall, as far as may be, apply to such trial :

Provided that in the case of any conviction under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year.

(2) Notwithstanding anything contained in section 414 of the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried summarily under this section in which the magistrate passes a sentence of imprisonment not exceeding one month or of fine not exceeding two thousand rupees, or both.”; 5 of 1898

(2) the Criminal Law Amendment Act, 1952, shall have effect as if after section 8, the following section had been inserted, namely:— 46 of 1952

Power to try summarily.

“8A. (1) Where a special judge tries any offence specified in sub-section (1) of section 6 alleged to have been committed by a public servant in relation to the contravention of any such order made under section 3 of the Essential Commodities Act, 1955, as may be specified by the Central Government by a notified order made under section 12A of that Act, then, notwithstanding anything contained in sub-section (1) of section 8 of this Act or sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, the special judge shall try the offence in a summary way, and the provisions of Chapter XXII of the said Code shall, as far as may be, apply to such trial : 10 of 1955 5 of 1898.

Provided that in the case of any conviction under this section, it shall be lawful for the special judge to pass a sentence of imprisonment for a term not exceeding one year.

(2) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried summarily under this section in which the special judge passes a sentence of imprisonment not exceeding one month or of fine not exceeding two thousand rupees, or both.”. 5 of 1898.

S. RADHAKRISHNAN,  
*President.*

R. C. S. SARKAR,  
*Secy. to the Govt. of India.*